

21919



06-18-04

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IN THE U.S. PATENT AND TRADEMARK OFFICE

Inventor Christian HELMIG et al

Patent App. 09/919,338

Filed 31 July 2001

Conf. No. 2736

For METHOD OF AND APPARATUS FOR WAVELENGTH
DETECTION

Art Unit 2878

Examiner Lee, P


Hon. Commissioner of Patents
Box 1450
Alexandria, VA 22313-1450

Sir:

We have received a Notice of Non-Compliant Amendment which was mailed 10 June 2004 (copy enclosed).

Enclosed herewith please find a copy of an amendment which was faxed to the PTO on 1 June 2004 as well as form 2038 which covers the cost of one (1) additional claim. This amendment reflects several independent claims and, therefore, no response would be necessary.

Respectfully submitted,
The Firm of Karl F. Ross P.C.

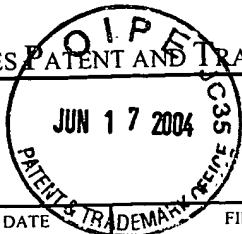
By: 
Herbert Dubno, Reg. No. 19,752
Attorney for Applicant

16 June 2004
5676 Riverdale Avenue Box 900
Bronx, NY 10471-0900
Cust. No.: 535
Tel: (718) 884-6600
Fax: (718) 601-1099
ab

Enclosures: Notice of Non-Compliance
Copies of Amendment and Form 2038



UNITED STATES PATENT AND TRADEMARK OFFICE

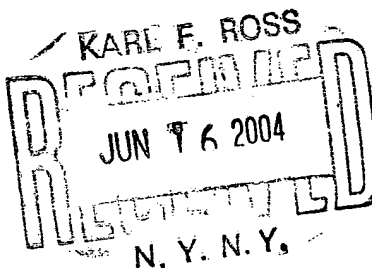


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,338	07/31/2001	Christian Helmig	21919	2736

535 7590 06/10/2004

THE FIRM OF KARL F ROSS
5676 RIVERDALE AVENUE
PO BOX 900
RIVERDALE (BRONX), NY 10471-0900



EXAMINER

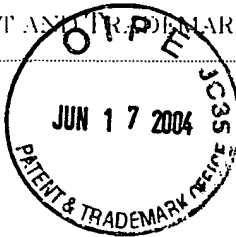
LEE, PATRICK J

ART UNIT PAPER NUMBER

2878

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 6/1/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: You need at least one independent claim.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officetlyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and **this ONE MONTH time limit is not extendable.**

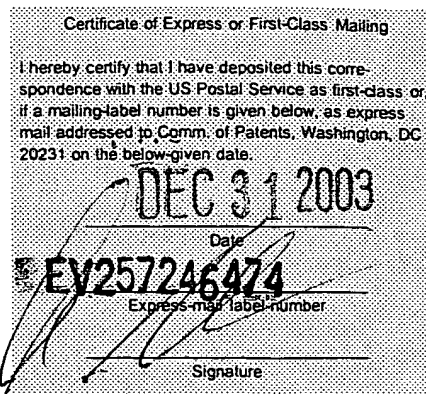
If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION (including a submission for an RCE)**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection. and is not affected by the non-compliant status of the amendment.

Margaret Johnson
Legal Instruments Examiner (LIE)

571-272-1561
Telephone No.

21919



IN THE U.S. PATENT AND TRADEMARK OFFICE

Inventor Christian HELMIG et al

Patent App. 09/919,338

Filed 31 July 2001

Conf. No. 2736

For METHOD OF AND APPARATUS FOR WAVELENGTH
DETECTION

Art Unit 2877

Examiner Lee, P

Hon. Commissioner of Patents
Box 1450
Alexandria, VA 22313-1450

FIRST AMENDMENT

In response to the Office Action mailed 6 November 2003,
please amend the above-identified application as follows:

COPY